

REMARKS

Claims 1-12 are currently pending in the present application, with Claims 1, 5, 6, and 10-12 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 5, 6, and 10 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Applicants have amended the claims to further clarify the claimed invention and respectfully submit that the amended claims comply with 35 U.S.C. 112.

The Examiner rejected Claims 1, 3-8, and 10-12 under 35 U.S.C. 102(b) as being unpatentable over Ogino (U.S. patent no. 6,433,946). This rejection is respectfully traversed with respect to the amended claims.

The present invention is directed to a method, apparatus, and program for managing digital data wherein the digital data is protected by copyright protection. Specifically, as recited in the claims, a user seeking to perform a specific process on a digital data (such as execution or duplication of the data for private use) is first restricted from performing the specific process and notified of a message calling his or her attention to the presence of a copyright protection associated with the digital data. The message contains messages to which the user may respond to by accepting the content of the message. Upon detecting that the user agreed to the content of the message, the restriction on the specific process is lifted and the notification of the message is stopped once the restriction is lifted.

According to the present invention, the message indicating the presence of copyright protection for the digital data is no longer presented to the user once the user agrees to the contents

of the message. Thereafter, the user is permitted to access the digital data via the specific process without being annoyed by future message notifications.

Ogino does not contain any disclosure or suggestion of notifying a user of copyright protection associated with digital data by presenting to the user a message; and, once the user agrees to the content of the message, removes restrictions associated with the access or the digital data.

Rather, Ogino discloses a digital recording device 120 to which digital information is supplied together with copyright information that indicates restrictions to the duplication (or similar processes) of the digital data. The recording device is inhibited from duplicating copyrighted digital data, while displaying a message notifying the user of the restriction. However, Ogino does not teach or suggest lifting such restriction upon detecting the user agreeing to the contents of a message presented to the user, as recited in the claims.

Furthermore, Ogino does not teach or suggest inhibiting the display of the copyright notification messages once the user has previously agreed to the contents of the message.

Accordingly, Applicants respectfully submit that Claims 1, 3-8, and 10-12, as amended, are not anticipated by, nor obvious in view of, Ogino.

The Examiner rejected Claims 2 and 9 under 35 U.S.C. 103(a) as being unpatentable over Ogino in view of Matsumoto (U.S. patent no. 6,542,870). This rejection is respectfully traversed.

As discussed above, Ogino does not teach or suggest lifting restriction on accessing digital data once the user has indicated an acceptance of a notification message, or inhibiting the display of the message. Matsumoto fails to make up for the deficiencies of Ogino.

Matsumoto discloses a system for recording data from one storage medium to another storage medium, including processing control information associated with the data to be recorded.

Matsumoto simply discloses the management of data via management information that is stored in a management file created for every dubbed CD. The management information includes information such as album name, information relating to copyright, etc. Matsumoto simply does not teach or suggest the lifting of operational restrictions to digital data or the controlling of display of notification messages associated with copyright protection. Accordingly, Applicants respectfully submit that dependent Claims 2 and 9 are not unpatentable over Ogino and Matsumoto.

In view of the above, Applicants respectfully submit that all of the pending claims are in condition for allowance.

If it would further advance the prosecution of the present application, Applicants request the Examiner to contact the undersigned attorney at (213) 892-5587 to discuss any steps necessary to place the application in condition for allowance. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032027500.

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Respectfully submitted,

By 
David T. Yang

Registration No.: 44,415
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5587